

Appl. No.: 10/676,818
Art Unit: 3711; Docket No.: C03-27
Reply to Office Action of May 4, 2004

REMARKS

Claims 1-8, 10, 11, and 13-15 appear in this application for the Examiner's review and consideration. Claims 9, 12, and 16-20 have been cancelled.

Claims 1 and 15 have been amended to recite visual reference lines on the top surface of the putter, the use of a photosensitive array as a reference device, and the use of the visual reference lines as a visual cue to putter orientation (learned from the alignment process). Support for the amendment can be found in the original claims and in the Specification, on page 4, lines 17-30 through page 5, lines 1-18, and in FIGS. 1-2.

Claims 4 and 13 have been amended as a result of the amendment to claim 1.

Claim 10 was amended to correct a typographical error.

No new matter has been added by these amendments and additions.

Rejections Under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-5, 8, 9, 16, and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mick. Claims 6, 7, and 15 were rejected under 35 U.S.C. § 103(a) as being anticipated by Mick in view of Koehler and Rozmus. Claim 10 was rejected under 35 U.S.C. § 103(a) as being anticipated by Mick in view of Finney. Claim 11 was rejected under 35 U.S.C. § 103(a) as being anticipated by Mick in view of Finney and Perkins. Claims 14 and 17 were rejected under 35 U.S.C. § 103(a) as being anticipated by Mick in view of Perkins. Claims 12, 13, 18, and 19 were rejected under 35 U.S.C. § 103(a) as being anticipated by Mick in view of Thackey.

For claims to be rejected under 35 U.S.C. § 102(b), each and every element as set forth in the claims of the present invention must be found, either expressively or inherently, in a single prior art reference. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or combine the teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in Applicant's disclosure. *In re Vaack*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

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Applicants respectfully submit that Mick, either alone or in combination with any or all of the five additional references, does not disclose all the elements of the claimed invention, including visual reference lines on the top surface of the putter, the use of a photosensitive array as a reference device, and the use of the visual reference lines as a visual cue to putter orientation (learned from the alignment process). One of ordinary skill in the art would be well aware that a laser alignment system, no matter how accurate, is useless if the alignment cannot be 'learned' and used on the golf course by the golfer. The reference lines of the present invention allow the alignment method to be learned by the golfer who is aided by the visual cues as he/she tweak their putting stroke based on the mis-alignment, if any.

Accordingly, for at least the above reasons, independent claims 1 and 15 are believed to be in condition for allowance. Moreover, the remaining dependent claims are believed to be patentable by virtue of their dependence from the independent claims. As such, Applicants respectfully request that the rejections under 35 U.S.C. §§ 102(b) and 103(a) be reconsidered and withdrawn.

Objection To The Drawings Under 37 C.F.R. § 1.83(a)

The drawings were objected to under 37 C.F.R. § 1.83(a), in particular for not showing features on claims 4, 8, 12, 13, 17, 18, and 19. Claims 12 and 17-19 have been cancelled. Claim 4 (reference device), claim 8 (shim), and claim 13 (output device) are convention features disclosed thoroughly in the description and their detailed illustration is not essential for a proper understanding of the invention. As such, Applicants propose to add an example of a shim to FIG. 4 (between elements 200 and 202), and a reference device and output device (to the left of element 300) to FIG. 5. Applicants would like to then amend the Specification by adding reference numbers directing the reader to the corresponding required Figure changes. No new matter would be added by these amendments.

CONCLUSION

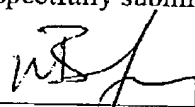
Based on the remarks set forth above, Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

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No fee is believed to be due for this submission. However, should any required fees be due, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,

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William B. Lacy (Reg. No. 48,619)
Patent Counsel
Acushnet Company

Phone: (508) 979-3540
Customer Number: 40990